

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

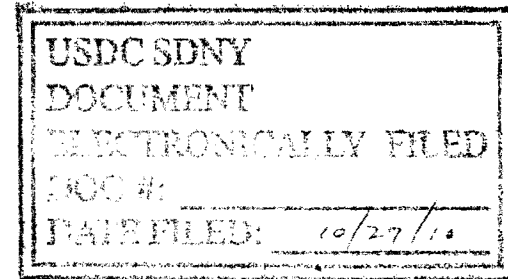
BRIGIDA REYES AND NOEMI REYES,

Plaintiffs,

v.

U.S. BANK NATIONAL ASSOCIATION, et al.,

Defendants.



09 Civ. 10588 (RO)

ORDER

OWEN, District Judge:

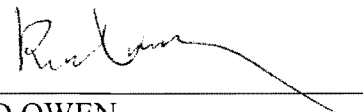
Pro se Plaintiffs filed their Complaint on December 30, 2009. On June 3, 2010, a Deputy Clerk sent Plaintiffs a Rule 4(m) notice, notifying Plaintiffs that they had failed to effect service on any Defendant and providing thirty days to respond. Plaintiffs failed to respond to the 4(m) notice, and it appears that Plaintiffs have made no effort to effect service in this case.

On July 8, 2010, Magistrate Judge Smith issued a Report and Recommendation ("the Report") in which she recommended that if Plaintiffs provide a submission demonstrating good cause for their failure to comply with Rule 4(m), they be granted no more than thirty days to effect service on Defendants. The Report recommended that, in the absence of such submission, the action be dismissed without prejudice. The Report also notified the parties that they shall have a total of seventeen days to file objections to the Report. Neither party has filed objections as of the date of this Order. On September 14, 2010, this case was transferred to this Court.

The Court concurs with the Report and Recommendation. Plaintiffs have not attempted to demonstrate good cause for their failure to effect service on any Defendant, and have not filed objections to the Report. Accordingly, this action is dismissed without prejudice.

SO ORDERED.

October 28, 2010

A handwritten signature in black ink, appearing to read "Richard Owen", written over a horizontal line.

RICHARD OWEN
UNITED STATES DISTRICT JUDGE